



## ZONING ADMINISTRATOR PERMIT

### STAFF REPORT SEPTEMBER 20, 2010

<b>Project:</b>	<b>GOOD 4 U ZONING ADMINISTRATOR PERMIT– (PLN2011-00016)</b>
<b>Proposal:</b>	To consider a Zoning Administrator Permit for a wholesale food preparation facility within an existing industrial building.
<b>Recommendation:</b>	Approve based on findings and subject to conditions.
<b>Location:</b>	4406 Enterprise Place, Suite D in the Industrial Planning Area APN 525-1648=011-04 (See aerial photo next page)
<b>Area:</b>	773-square-foot tenant space within a 23,000-square-foot existing building on a 1.24-acre lot
<b>People:</b>	Jimmy Chang, Applicant David Barrow, Enterprise Place Investments, LLC, Owner Joel Pullen, Staff Planner (510) 494-4436; <a href="mailto:jpullen@fremont.gov">jpullen@fremont.gov</a>
<b>Environmental Review:</b>	The proposed use is categorically exempt from CEQA per guideline 15301, existing facilities.
<b>General Plan:</b>	General Industrial
<b>Zoning:</b>	General Industrial

#### **EXECUTIVE SUMMARY:**

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“Good 4 U” is a kimchi wholesale food preparation business proposing to locate within an existing industrial building. The applicant will prepare the kimchi daily by cutting vegetables, mixing in spices and other ingredients, and packaging it for delivery to selected regional retailers. The primary concerns for food preparation businesses are odor and refuse control, which are adequately addressed by the business operation plan and conditions of approval. Staff recommends approval of the business based upon findings and subject to conditions of approval.



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.



**SURROUNDING LAND USES:**

- North: Industrial Buildings on Enterprise Street
- South: Interstate 880 across Flood Control Channel
- East: Rental Vehicle Yard (U-Haul)
- West: I-880 CHP Weigh Station across Flood Control Channel

## **BACKGROUND AND PREVIOUS ACTIONS:**

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The 20-unit industrial complex within which the proposed use is located was constructed in 1985. Attached units within the several buildings are characterized by small offices and roll-up door work areas. The most recent previous businesses in the unit under consideration for this use were machine shops.

## **PROJECT DESCRIPTION:**

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The applicant proposes to operate a kimchi preparation facility at the subject location. The business, which would only have one employee, would consist of daily cutting of vegetables, mixing in of spices and other ingredients, and packaging for delivery to select regional retailers. The applicant does not plan to store products onsite.

## **PROJECT ANALYSIS:**

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### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is General Industrial. The proposed project is consistent with the existing General Plan land use designation for the project site because food preparation (manufacturing & wholesale trade) is one of a range of allowable uses appropriate for General Industrial land as described below. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Fundamental Goal F9:           A large, diversified industrial and commercial base to meet the employment needs of the City's present and future workforce.

Analysis: The proposed small business facility is a unique addition to the City's range of industrial businesses.

### ***Zoning Regulations:***

As set forth in Table 8-21508 of the Fremont Municipal Code (FMC), food and kindred product production is allowed in the General Industrial (G-I) district subject to a Zoning Administrator Permit. No changes to the overall site plan or exterior architecture are anticipated, proposed, or approved as part of this application.

### ***Food Preparation Techniques and Nuisance Control:***

The applicant has proposed to prepare food onsite on a daily basis using tubs and countertop work surfaces. No cooking or canning operation is involved. The kimchi will be prepared by cutting vegetables, mixing in spices and other ingredients, and packaging containers for delivery. Deliveries are made once or twice daily, and no stock is maintained overnight. The applicant's process does not include any storage for fermentation or pickling time onsite. Rather, the product is immediately shipped to the retailer the same day. Over the course of several days, the product becomes ready for sale in its container. In order to ensure that waste does not accumulate within the site or through the dumping of trash, conditions are proposed requiring that the applicant routinely clean the facility, dump the waste products in a separate compost bin if available, and change the operation as needed if odor or waste-

related complaints are received. A provision is included allowing eventual revocation of the Zoning Administrator permit if the operation produces persistent nuisance odors. The use shall be required to comply with all relevant regulations or licenses of the Alameda County Health Department.

*Parking:*

A 773-square-foot general industrial tenant space such as Suite D requires 1 parking space for every 300 square feet of floor area. The applicant has specified that only one person will work at the facility. Parking is sufficient for the intended use.

***Environmental Review:***

This project is exempt from the California Environmental Quality Act (CEQA) under Guideline 15301, existing facilities.

**PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. On September 7, 2010, a Public Hearing Notice was published by *The Tri-City Voice*, and a total of 60 notices were mailed out to owners and occupants of property within 300 feet of the site.

**ENCLOSURES:**

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***Exhibits:***

- Exhibit "A" [Site plan & floor plan](#)
- Exhibit "B" [Findings and Conditions of Approval](#)

**RECOMMENDATION:**

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1. Hold public hearing.
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under 15301 of the CEQA Guidelines, existing facilities, because no building or site changes to the existing location are proposed.
3. Find Zoning Administrator Permit PLN2011-00016 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Approve Zoning Administrator Permit PLN2011-00016, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

**Existing Zoning**  
Shaded Area represents the Project Site



**Existing General Plan**

